

1 STEPHEN P. BERZON (#46540)
sberzon@altshulerberzon.com
2 LINDA LYÉ (#215584)
llye@altshulerberzon.com
3 CLAIRE P. PRESTEL (#235649)
cprestel@altshulerberzon.com
4 Altshuler Berzon LLP
177 Post Street, Suite 300
5 San Francisco, CA 94108
Telephone: (415) 421-7151
6 Facsimile: (415) 362-8064

7 ELIZABETH GINSBURG
(Application for Admission *Pro Hac Vice* Pending)
8 elizabeth.ginsburg@alpa.org
Air Line Pilots Association, International
9 535 Herndon Parkway
Herndon, VA 20172-1169
10 Telephone: (703) 481-2424
Facsimile: (703) 481-2478

11 Attorneys for Plaintiffs
12

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 SKYWEST PILOTS ALPA ORGANIZING
16 COMMITTEE, *et al.*,

CASE NO.:

**TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION**

17 Plaintiffs,

18 vs.

19 SKYWEST AIRLINES, INC.,

20 Defendant.
21

22 The above-captioned matter came before the Court upon Plaintiffs' *Ex Parte* Motion For
23 A Temporary Restraining Order And Order To Show Cause Why A Preliminary Injunction
24 Should Not Issue.

25 Having considered the evidence and legal arguments, the Court finds that Plaintiffs have
26 demonstrated a likelihood of success on the merits and that the balance of hardships tips sharply
27 in Plaintiffs' favor. Accordingly, Plaintiffs' Motion for a Temporary Restraining Order is
28 GRANTED.

1 IT IS HEREBY ORDERED that Defendant, its officers, agents, servants, employees, and
2 attorneys, and all persons acting by, through, under, or in concert with Defendant, are hereby
3 temporarily restrained and enjoined, pending a ruling by this Court on whether a preliminary
4 injunction should issue, and ordered as follows:

- 5 1) To cease and desist from interfering in any way with Plaintiffs', their members', and their
6 supporters' outward expression of support for ALPA and the ALPA organizing campaign
7 and association with like-minded pilots through, *inter alia*, the wearing of ALPA insignia
8 on lanyards or pins, while in uniform or off duty.
- 9 2) To cease and desist from interfering in any way with Plaintiffs', their members', and their
10 supporters' communication with fellow SkyWest pilots regarding ALPA and the ALPA
11 organizing campaign through distribution of ALPA-related materials in non-work areas
12 such as bulletin boards and crew lounges.
- 13 3) To cease and desist from discriminating in any way against Plaintiffs, their members, and
14 their supporters with respect to the channels of communication they may use to
15 communicate with fellow pilots, and to provide Plaintiffs and their members with access
16 to the same channels of communication provided to SAPA at any point during the last
17 year, including but not limited to a dedicated bulletin board in each crew lounge where
18 SAPA had a dedicated bulletin board at any point in the last year, general bulletin boards
19 in crew lounges, pilot mailboxes, SkyWest's email system, and newly-hired pilot classes.
- 20 4) ~~To cease and desist from funding, recognizing, bargaining or purporting to bargain with,~~
21 ~~or otherwise supporting in any fashion SAPA.~~ CRB

22 IT IS HEREBY ORDERED that no bond is necessary for each of the following separate
23 and independent reasons: (1) Plaintiffs have a strong likelihood of success on the merits; (2)
24 there is no realistic likelihood of harm to Defendant from enjoining its conduct; and (3) the
25 balance of hardships weighs in favor of Plaintiffs.

26 //

27 //

28 //

1 IT IS FURTHER ORDERED that Plaintiffs shall serve this restraining order and all
2 pleadings and papers supporting their motion for a preliminary injunction on Defendants not
3 later than Thursday, May 24, 2007. Opposition to Plaintiffs' request for a preliminary
4 injunction shall be filed and served by Defendants not later than Monday, May 28, 2007.
5 Plaintiffs' reply papers shall be filed and served not later than Tuesday, May 29, 2007. A
6 hearing on Plaintiff's request for a preliminary injunction will be held on
7 Wednesday, May 30, 2007 at 3:00 p.m.

8 IT IS SO ORDERED.

9
10 Date: May 22, 2007

